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	Application No.	Applicant(s)
Madia - F All 1994	10/637,210	BLUM ET AL.
Notice of Allowability	Examiner	Art Unit
	Jordan M. Schwartz	2873
The MAILING DATE of this communication appears on the cover sheet with the correspondence address All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.		
1. This communication is responsive to <u>after final amendment received 9/13/04</u> .		
2. X The allowed claim(s) is/are 1-5,7-16,18,19,21-32 and 35-39.		
3. The drawings filed on <u>08 August 2003</u> are accepted by the Examiner.		
 4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some* c) ☐ None of the: 1. ☐ Certified copies of the priority documents have been received. 		
2. Certified copies of the priority documents have been received in Application No.		
3. Copies of the certified copies of the priority documents have been received in this national stage application from the		
International Bureau (PCT Rule 17.2(a)).		
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* Certified copies not received:		
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. 5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF		
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.		
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.		
(a) 🔲 including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached		
1) hereto or 2) to Paper No./Mail Date		
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date		
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).		
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.		
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Attachment(s)		
1. ☐ Notice of References Cited (PTO-892)	5. Notice of Informal F	Patent Application (PTO-152)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)	6. Interview Summary Paper No./Mail Da	
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/0 Paper No./Mail Date 7/7/04		
4. Examiner's Comment Regarding Requirement for Deposit	8. 🛛 Examiner's Stateme	ent of Reasons for Allowance
of Biological Material	9.	
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U.S. Patent and Trademark Office PTOL-37 (Rev. 1-04)

Notice of Allowability

JORDAN SCHWART of Paper No./Mail Date 20040928
PRIMARY EXAMINER

Application/Control Number: 10/637,210

Art Unit: 2873

Allowed Claims: 1-5, 7-16, 18-19, 21-32, 35-39.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with reference to independent claims 1 and 35 none of the prior art either alone or in combination, disclose or teach of the claimed electro-active contact lens, specifically including, as the distinguishing feature in combination with the other limitations, the claimed means for stabilizing the view detector between a palpebral fissure of a patient's eye when the contact lens is worn by a patient. Specifically, with reference to independent claim 16, none of the prior art either alone or in combination, disclose or teach of the claimed method for making an electro-active contact lens, specifically including, as the distinguishing feature in combination with the other limitations, the claimed stabilizing the view detector on the contact lens between a palpebral fissure of a patient's eye when the contact lens is worn by a patient. Specifically, with reference to independent claim 30, none of the prior art either alone or in combination, disclose or teach of the claimed electro-active contact lens specifically including, as the distinguishing feature in combination with the other limitations, the claimed electro-active element and view detector contained within a capsule. Specifically, with reference to independent claims 31-32, none of the prior art either alone or in combination, disclose or teach of the claimed electro-active contact lens specifically including, as the distinguishing feature in combination with the other

Application/Control Number: 10/637,210

Art Unit: 2873

limitations, the claimed view detector comprising a tilt switch, or a micro gyroscope or a micro accelerometer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:00-5:30), alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached at (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 2873

Jordan M. Schwartz Primary Examiner Art Unit 2873

September 30, 2004